

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal Action No.
	)	08-00178-01-CR-W-ODS
AVERY L. SNELLING,	)	
	)	
Defendant.	)	

REPORT AND RECOMMENDATION

On July 9, 2008, defendant filed a motion for a judicial determination of mental competency. Defendant was examined by Jeremiah Dwyer, Ph.D., a Forensic Psychologist, who found that defendant was competent in a report dated October 30, 2008.

On December 4, 2008, I held a competency hearing. Defendant was present, represented by Jeffrey R. Siegel. The government was represented by Assistant United States Attorney Paul Becker. The parties stipulated to the contents and findings of Dr. Dwyer as the only evidence of whether the defendant is competent to stand trial and to assist in his defense (Tr. at 2-3).<sup>1</sup>

Based upon the uncontroverted evidence stipulated to by the parties in this case, I find that the defendant is competent to stand trial and to assist in his defense. Therefore, it is

RECOMMENDED that the court, after making an independent review of the record and applicable law, enter an order finding defendant competent to stand trial and to assist in his defense.

---

<sup>1</sup>"Tr". refers to the transcript of the competency hearing.

Any objections to this Report and Recommendation shall be  
filed by December 15, 2008.

/s/ Robert E. Larsen  
ROBERT E. LARSEN  
United States Magistrate Judge

Kansas City, Missouri  
December 5, 2008